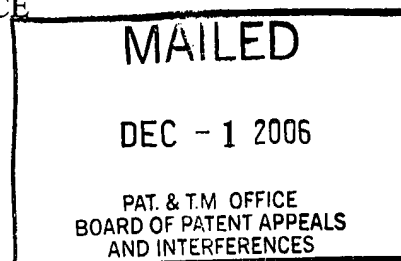


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JACOB DREYBAND, LEONID NILVA, and MICHAEL SHAPIRO

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Application No. 09/844,993

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on October 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The examiner has mailed an Examiner's Answer on June 15, 2006. In the Evidence Relied Upon section, page 3, paragraph (8), the examiner has stated, "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references were applied to the statement of rejections in the Grounds of Rejection section of the Examiner's Answer. Before further review, the examiner must submit a corrected Examiner's

Application No. 09/844,993


Answer that will include in the Evidence Relied Upon section, the references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure (MPEP) §1207.02, page 1200-29.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) vacate the Examiner's Answer and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section; and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



Dale M. Shaw

Deputy Chief Appeal Administrator  
(571) 272-9797

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DMS/tdl